

REMARKS

Claims 1-16 are currently pending in the application.

CLAIM REJECTIONS - 35 USC § 103

Independent claims 1 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,298,702 to Jones et al. ("Jones") in view of U.S. Publication No. 2004/0109455 to Jouppi et al. ("Jouppi").

Dependent claims 2-11 and 13-16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and Jouppi in view of various secondary references.

These rejections are respectfully traversed.

With respect to independent claims 1 and 12, Joens and Jouppi, either individually or in combination, do not disclose at least the recited limitation of "processing the session initiation message to determine a Quality-of-Service (QoS) parameter, wherein the QoS defines an allocation of wireless bandwidth resources provided by the wireless network access device."

Note that the QoS parameter is *determined using the session initiation message*.

The outstanding office action, on page 4, the third paragraph, admits that Jones does not "disclose processing the session initiation message to determine one or more QoS parameters," but alleges that Jouppi discloses this limitation. Applicants respectfully disagree.

Jouppi is directed at enabling "a unit providing or forwarding packet switched data to a node which is attached to a mobile communication network to efficiently influence a QoS employed for transmitting the data further from the node to some other unit" (Jouppi, paragraph [0017]). For each packet of a specific data flow, a QoS identifier is included in the packet, which corresponds to a QoS treatment. The QoS identifier included in the packet indicates to various network devices the level of QoS at which the packet should be transmitted (Jouppi, paragraph [0019]).

However, with Jouppi, the QoS treatment or QoS profile for each packet *is not determined based on any session initiation message* sent by a remote client.

Jouppi discloses three different embodiments. In the first embodiment, a terminal

equipment device TE or an application in the terminal equipment device TE determines a QoS profile for a specific data flow (Jouppi, paragraph [0056]). Furthermore, the terminal equipment device TE or the application in the terminal equipment device TE may determine *at any time* further QoS profiles for other data flows (Jouppi, paragraph [0059]), not just during a session initiation process. The QoS identifier corresponding to the QoS profile determined for a data flow is inserted in each packet of the data flow (Jouppi, paragraph [0061]).

In the second embodiment, a terminal equipment device TE or an application in the terminal equipment device TE determines *default* QoS profile for each data flow (Jouppi, paragraph [0072]). A default QoS profile indicates it is *predefined* for the data flow, not dynamically determined based on any variables, such as a session initiation message.

In the third embodiment, “an association between specific codepoints and specific QoS profiles is pre-defined and stored at least in the network” (Jouppi, paragraph [0086]). When a data flow is to be transmitted by a terminal equipment device to some peer unit, the terminal equipment device or an application in the terminal equipment device determines a codepoint which is suitable for this data flow (Jouppi, paragraph [0087]). In this case, the QoS is determined based on the codepoint associated with a data flow.

In each of the three embodiments, the QoS profile is determined for specific data flows. Nowhere in Jouppi discloses that the QoS profile is determined using a session initiation message sent from a remote client device. Even though Jouppi discloses that IMS uses SIP (Jouppi, paragraph [0011]), the SIP or anything related to session initiation is *not* used by any network device to determine any QoS parameters.

For foregoing reasons, independent claims 1 and 12 are patentably distinct from Jones and Jouppi.

Dependent claims 2-11 and 13-16 directly or indirectly depend from claims 1 and 12 respectively and are therefore respectfully submitted to be patentable over Jones, Jouppi, and the secondary references cited in the pending office action for at least the reasons set forth above with respect to the independent claims.

CONCLUSION

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

If a telephone conference would advance prosecution of this Application, the Examiner may call Bernadette Lee, Attorney for Applicant, at 650-739-7506.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
BAKER BOTTS L.L.P.



Attorneys for Applicant
Bernadette Lee
Reg. No. 60,298

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Correspondence Address:

Customer Number: 05073